



**PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA**

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VIA REGULAR MAIL AND FAX 202-224-9516

Bruce Cohen
Senator Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Bruce:

I 'm Ron's lawyer whom you tried mightly to help overrule Sandoval —something we must return to when we can.

If, as is said at the telephone task force meetings of the Civil Rights Leadership Conference, your committee is planning hearings on Anti-Federalism, may I encourage you to bring Akil Amar, Yale Law School, and Carlos Vazquez, Georgetown Law Center, and Pamela Karlos, Stanford to testify and San Beer if he's able —his 1993 To Make a Nation: the Rediscovery of American Federalism remains the very best statement of who won the original time around (not the Anti-Federalists, of whom the misnamed Federalist Society is the current imitators), why they won, and what it means. If Beer is not available you may wish to consider Steve Elkin, U. of Md. Center on Democracy, editor of the journal "Political Economy for the Good Society.

But I write today for a different reason, in re Jeffrey Sutton. I argued Westside Mothers against him in the district court in Michigan. He took a bye in the Sixth Circuit —the attached Nina Totenberg report (no element of which has been denied as far as I know by Jeffrey, the Governor or district court Judge Cleland) may have been a reason—but Jennifer Clarke and I did argue there along with the U.S., on our side (and amici from Drew Days, the Catholic Hospital Association and virtually all national non-profit health care associations). We won Wednesday, unanimously, Judge Merritt, Judge Boggs, Judge Moore each a widely respected adherent a differing shade of current judicial opinion. (Cf. today's Wall Street Journal "Sixth Circuitry" editorial; also I attach today's PH. Legal Intelligencer front page.) The unanimous Court reversed on all counts the positions that Jeffrey Sutton led district Judge Cleland to take. I enclose the Opinion; and the Opinion late last week of the Fourth Circuit —by Judge Neimeyer, like Judge Boggs a very bright, very conservative judge. I enclosed a piece of the S.G.'s brief in Gonzaz, in which he does a devastating job on the Sutton-Cleland position. I

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hope these may be useful to you in subjecting Sutton's nomination to appropriate scrutiny and defeat. If you would like to read the transcripts of argument. I would be glad to put them together.

Do read Ron's deposition in Sanchez. It is one of the best I've ever witnessed.

Best Wishes.

Very truly yours,

A handwritten signature in black ink that reads "Tom".

Thomas K. Gilhool

TKG/ldb

cc: Ron Cohen, Esquire

P.S. The South Camden people whom I understand were the hit of the press conference last week on the anniversary of certain judicial nominees are clients of ours. Yes, we do have the best clients going. My partner, Jerry Balter, who at the request of one of your colleagues arranged for them to be there but in the end couldn't go himself would otherwise have stopped in to say hello to you.